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NEW YORK TIMES
29 August 1986

Whitworth Gets 365-Year Term For Spying Role

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Special to The New York Times

SAN FRANCISCO, Aug. 28 — Jerry A. Whitworth was sentenced today to 365 years in prison and was fined \$410,000 for his role in a Soviet spy ring that the Government has characterized as the most damaging espionage conspiracy in decades.

Calling Mr. Whitworth "one of the most spectacular spies of this century," Judge John P. Vukasin Jr. of Federal District Court said Mr. Whitworth would have to spend a minimum of 60 years in prison before being eligible for parole. He is 47 years old.

United States Attorney Joseph P. Russoniello characterized the sentence as the harshest for espionage since the death penalty was declared unconstitutional.

'Did Not Believe in Anything'

In a long statement read before delivering his sentence, Judge Vukasin said that Mr. Whitworth was "not a Soviet apologist" but rather that he "did not believe in anything at all."

"He is the type of modern man whose highest expression lies in his amorality," the judge said.

Asked whether he wished to make a statement, Mr. Whitworth bolted to the bench and said, "I'm very, very sorry." His voice broke and he sat down and wiped tears from his eyes.

As the sentence was read, Mr. Whitworth's wife, Brenda L. Reis, gasped and then wept quietly.

Mr. Whitworth had sat expressionless as William S. Farmer, the assistant United States attorney who led the prosecution team, said that a high-ranking officer in the Soviet intelligence agency, the K.G.B., who defected to the United States in July 1985, had said the Soviet agency considered the spy ring to which Mr. Whitworth belonged "the most important operation in the K.G.B.'s history." Mr. Farmer was referring to Vitaly S. Yurchenko, who returned to the Soviet Union in November 1985, saying he had been kidnapped by the Central Intelligence Agency.

Mr. Yurchenko told United States officials that information sold to the K.G.B. by the spy ring allowed Soviet agents to decode "over one million messages."

Mr. Yurchenko's assessment of the impact of the spy ring was contained in an affidavit prepared by John Martin, chief of the Justice Department's Internal Security Division, which was released by Mr. Farmer after the sentencing.

Mr. Yurchenko said the Soviet Union believed the information from the spy ring "would have been devastating to the United States in the event of war," Mr. Martin's said.

Mr. Yurchenko said K.G.B. officers who handled the data had been promoted and given decorations, including "the coveted Order of the Red Banner."

Judge Vukasin said he did not consider the affidavit in his sentencing, saying he had enough information.

'Racked With Guilt'

In a presentencing memorandum filed with the court, James Larson and Tony Tamburello, the defense attorneys, had described Mr. Whitworth as "racked with guilt and remorse" but "suffering from a rather deep-seated psychological inability to retrace his participation in the conspiracy and express his feelings about it."

The attorneys said they would appeal the sentence. They had asked Judge Vukasin to appoint new attorneys who would fill an appeal in the case, arguing that evidence found in a search of Mr. Whitworth's house should not have been admitted at the trial.

Mr. Whitworth had faced a maximum sentence of seven life terms plus 17 years, which would have made him eligible to be considered for parole in 10 years under Federal law.

Judge Vukasin agreed with the prosecution's request to sentence him under a subsection of the Federal law that provides that a judge may designate a sentence and impose a minimum term of years to be served before parole is considered, provided the term does not exceed one-third of the sentence.

Such a sentence has been found binding in the 10th Circuit. The only other case where this provision has been used in the Ninth Circuit is currently on appeal on the ground that the law allows a judge to designate a lesser sentence than life, not a greater one.

GUILTY Plea Was Offered

The defense attorneys said that Mr. Whitworth, who was arrested June 3, 1985, had offered to plead guilty to conspiracy to commit espionage and to tax fraud last February but that the Government would not accept the offer.

Mr. Whitworth was convicted of seven counts of espionage and five counts tax fraud on July 24 after a four-month trial.

The Internal Revenue Service has seized most of the household goods that belonged to the couple, who were living in a rented trailer at the time of Mr. Whitworth's arrest. Ms. Reis is working on a doctorate in nutrition at the University of California at Davis.

Mr. Whitworth's attorneys acknowledged that he received \$332,000 from John A. Walker Jr. in exchange for passing stolen classified Navy cryptographic data over a 10-year period. With the cryptographic material, the Soviet Union could have decoded secret Navy messages from a variety of ships and land bases.

Walker Said He Headed Ring

Mr. Whitworth contended that he believed the stolen materials were being sold to Israel and thus could not be harming the military interests of the United States.

Mr. Walker, a retired Navy warrant officer, acknowledged spying for the Soviet Union for nearly 20 years and heading the spy ring into which he recruited Mr. Whitworth and two of Mr. Walker's family members. Mr. Walker pleaded guilty to espionage in Baltimore last October, along with his son, Michael L. Walker, a former Navy yeoman.

In exchange for his guilty plea and his testimony against Mr. Whitworth, a former Navy colleague, Mr. Walker agreed with the Government that he would receive a sentence of life in prison and his son would receive a sentence of 25 years.

The sentencing of the two, which was to have taken place this month, has been delayed to determine whether John Walker has told the Government the complete truth about his espionage activities.

His older brother, Arthur J. Walker, a retired Navy lieutenant commander, was found guilty in a nonjury trial in Norfolk in August 1985 of stealing classified military data from the military contractor for whom he worked and passing it to John Walker. Arthur Walker has been sentenced to life in prison.